AMENDMENT/REMARKS

After the foregoing Amendment, Claims 28-48 are currently pending in this application. Claims 28-35, 39-43, and 45-48 have been amended.

In the Office Action, claims 28-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over US 2003/0016698 to Chang et al. (hereinafter "Chang") in view of US 6,901,063 to Vayanos et al. (hereinafter "Vayanos"). Applicants respectfully disagree based on the following.

Chang, Figure 9, page 1, paragraph [0011], and page 5, paragraph [0065] are referred to as disclosing a processing device configured to receive a radio resource control (RRC) message associated with a HS-DSCH inter-Node B cell change. However, Figure 9 and those paragraphs actually refer to an RLC reset indication and not an RRC message. Accordingly, Figure 9 and those paragraphs do not disclose receiving an RRC message and, in particular, an RRC message associated with a HS-DSCH cell change.

Chang, Figure 9, reference step 911, page 5, paragraphs [0068]-[0071], and Figure 18, reference step 1805, page 8, paragraph [0092] are referred to as disclosing when the RRC message has an identifier indicating that a MAC-hs is to be reset. However, Figures 9 and 18 and those paragraphs actually again refer to an RLC message. Further, the RLC message does not include an identifier indicating that a MAC-hs is to be reset. Instead, paragraphs [0068] and [0092]

indicate that the RLC entity itself triggers the MAC-hs to reset. There is no indication in the RLC message to indicate a MAC-hs reset. Again, the RLC entity triggers the reset itself.

Vayanos, column 8, lines 9-14 are referred to as disclosing, after the flushing of the reordering buffer, that the processing device has each AM RLC entity mapped to the HS-DSCH generate a status report; wherein each status report indicates any missing AM protocol data units. However, column 8, lines 9-14 actually discloses sending ACKs/NAKs by the HARQ processes. It does not disclose the RLC entity sending a status report. As shown in Figure 4B of Vayanos, the HARQ entity resides in the MAC-hs and does not reside in the RLC. Further, the ACKs/NAKs do not indicate missing AM protocol data units (PDUs). Instead, the ACKs/NAKs indicate whether the immediately preceding MAC protocol data unit was received in error.
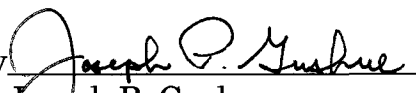
Additionally, Applicants respectfully disagree that the two references are combinable as set out in the office action. In Chang, the RLC entity is reset and then the RLC entity triggers a reset of the MAC-hs. If the RLC entity is already reset, then there is clearly no reason to then flush the AM RLC entity, as the RLC was already reset. Furthermore, after resetting the MAC-hs in Chang, there would be no reason to have the MAC-hs HARQ entities send ACKs/NAKs as recited in Vayanos, as the MAC-hs was already reset.

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Accordingly, Applicants respectfully submit that Chang and Vayanos are not combinable as set out in the office action and even if combinable, do not disclose elements of the claims.

Respectfully submitted,

Terry et al.

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